

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES B. HANSON,

Defendant.

Case No. 09-cr-40003-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant James B. Hanson's *pro se* motion for default judgment (Doc. 553) and motion for the status (Doc. 554) of his motion for compassionate release pursuant to the First Step Act of 2018, Pub. L. No. 115-391, § 603(b)(1), 132 Stat. 5194, 5239 (2018) (codified at 18 U.S.C. § 3582(c)(1)(A)) (Doc. 547).

As a preliminary matter, the Government responded to Hanson's motion for compassionate release in a sealed response on June 29, 2023 (Doc. 551), so default of any kind is not appropriate. As for the status of Hanson's motion for compassionate release, the Court denied the motion on July 28, 2023 (Doc. 552). It appears from Hanson's motions that he received neither the Government's response nor the Court's order.

There is no evidence in the file—such as a certificate of service—that the Government served its response on Hanson. Because Hanson is not represented by counsel, he would not have received it via counsel through CM/ECF, the Court's electronic filing system, which provides electronic access to electronically filed documents to registered users. So Hanson may not have received the Government's response and may not have had a fair opportunity to reply to it.

It also appears that Hanson did not receive the Court's order of denial, which was sent to

the warden of his institution to provide to Hanson. Because sealed documents often contain information that is contraband for an inmate to possess in prison, the Court sends sealed documents to the appropriate warden to be shown to the inmate but not to be left in the inmate's possession. Hanson may not have been provided the Court's order of denial by the warden of his institution.

In light of these uncertainties, the Court **ORDERS** the Government to file on or before September 20, 2023, a notice stating whether and when it sent Hanson a sealed copy of its response (Doc. 551) and whether and when the warden of Hanson's institution provided Hanson a copy of that response and the Court's order of denial (Doc. 552). The Court will contemplate further action in this case once it receives the Government's notice.

For the reasons stated above, the Court **DENIES** Hanson's motion for entry of default (Doc. 553) and **GRANTS** Hanson's motion for status (Doc. 554).

IT IS SO ORDERED.

DATED: August 25, 2023

s/ J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE